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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,722	02/25/2002	Frederic Gaviot	PHFR 010020	8254

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

JONES III, CLYDE H

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/084,722	Applicant(s) GAVIOT ET AL.	
	Examiner Clyde H. Jones III	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/11/2002</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer et al. (US 6,588,015 B1).

Regarding claim 1, 7, and 8, Eyer teaches a method of subscription to a service in respect of a processing of an input program comprising at least one particular event (commercial/advertisement, songs, tracks, scheduled programming, i.e., TV shows), in which the method comprises the following steps, implemented by a service provider:

a step of offering various subscriptions (service classes – table 1 col. 18) to a user who is to make a choice of subscription (col. 16, lines 23-32; col. 17, lines 13-16) and who is furnished with a device (program receiver 200, e.g., radio or TV – fig. 2) comprising means of selection of the particular event (the user selects the particular program selection they want, e.g., track, or programming stream, commercial etc.; col. 4, lines 11-20; col. 7, lines 1-5, 16-18, 50) which can be configured on the basis of the

Art Unit: 2623

chosen subscription (fig. 10; col. 15, lines 59-65; col. 16, lines 23-42; col. 17, lines 13-21) and are suitable for providing an output program comprising or not comprising the particular event according to the chosen subscription (a person with subscription to a premium service can control what content is output and what content is not output, e.g., with the correct subscription commercials can be selected to play or not play by the user, i.e., manually or automatically; col. 16, lines 37-45; service class 1 table 1 col. 18, lines 54-col. 10, line 22)

a step of validating (access-controlling; determining whether the user paid for the subscription service or not and what tier of service is enabled) the user's choice of subscription which triggers a step of configuring the means of selection (col. 16, lines 29-34; col. 17, lines 13-20; col. 5, lines 61-67).

Regarding claim 2, Eyer teaches the method of subscription to a service as claimed in claim 1, wherein the input program contains a table of events (control data comprises list of received programming and programming information), the means of selection being suitable for selecting a particular event on the basis of an event status value in the table (col. 6, lines 1-7, lines 30-32; col. 2, lines 24-27, lines 32-35; col. 4, lines 25-26; col. 6, lines 50-61).

Regarding claim 3, Eyer teaches the method of subscription to a service as claimed in claim 1, wherein the device comprises means of deactivation which are suitable for deactivating means of accelerated reading (fast-forwarding) of a recorded

Art Unit: 2623

(buffered) program during the particular event in respect of a specified subscription (fast-forwarding of events such as commercials is disabled if the user does not have the proper subscription level; col. 6, lines 56-61; col. 7, lines 50, lines 59-60; col. 16, line s 38-44; col. 16, lines 52-55; service class 2 – col. 19, lines 23-30).

Regarding claim 4, Eyer teaches the method of subscription to a service as claimed in claim 1, wherein the particular event contains at least one advertisement (col. 16, lines 52-55).

Regarding claim 6, Eyer teaches the method of subscription to a service as claimed in claim 1, wherein the validating step is implemented by the service provider by sending the device a signal characteristic of the chosen subscription, the signal being suitable for configuring the means of selection as a function of the chosen Subscription (the service provider sends access control data/information which enables the device/decoder to detect what access the user has to control the received programming presentation in accordance with the service tier subscribed; col. 17, lines 13-21; col. 6, lines 55-61; col. 5, lines 57-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2623

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. (US 6,588,015 B1).

Regarding claim 5, Eyer teaches the method of subscription to a service as claimed in claim 1, wherein the choice of the subscription is made by selecting one subscription from among several subscriptions offered (table 1, col. 18, lines 49-col. 19, line 55) and further teaches a graphical interface 262 – fig. 2 linked to the receiver/device 200; col. 7, lines 25-28) and filtering content according to user input preferences col. 19, line 63-col. 20, line 17).

However, Eyer fails to specifically disclose “on a graphics interface”.

The examiner takes Official Notice that it was notoriously known to one of ordinary skill in the art at the time of the applicant's invention to use graphical interfaces to enable user's to select subscriptions offered and filter content in accordance with user preference. (As evidenced by Serena US 2006/0031415 A1; 610 – fig. 6; fig. 7; par. 47-48).

It would have been obvious to one of ordinary skill at the time of the applicant's invention to modify the system of Eyer to include on a graphics interfaces for the advantage of enabling request for a higher tier of service to be made the user easily and quickly which increases the user's satisfaction of the product which will also generate increased revenue for the service providers.

Conclusion

Art Unit: 2623

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

CJ


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